

**Village of Port Clements**  
**Encroachment Policy**  
**Policy No. 14, 2016**

Prepared by Chief Administrative Officer Kim Mushynsky

Adopted: November 7, 2016


**PURPOSE:**

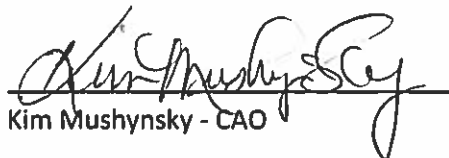
The purpose of this encroachment policy is to make Council's position known in regards to real or potential encroachment issues within the Municipality.

Village owned land and rights of way are held in trust by the Village for use and enjoyment of all of the residents of the municipality or for the installation and maintenance of municipal infrastructure like water, sewer, roads and walkways, or for utilities like telephone or hydro. The Village does not have the resources or mandate to proactively review or inspect properties on a regular basis in order to determine whether unauthorized encroachments on to Village property exist.

The Village does not authorize encroachments on to Village property without express, written permission from the Village in the form of a license or permit. However, the Village has limited staff resources and funding and therefore reserves the right to only enforce encroachment issues when the circumstances are such that the Village plans to develop its property, when potential liability issues exist, when the encroachment interferes with Village property or infrastructure, when the encroachment impedes the public interest or safety, or any other issue arises that, in the opinion of Council, requires the removal of the encroachment.

The Village has no duty to take enforcement action with respect to every encroachment of Village property that may occur within its jurisdiction. The Village will respond to encroachment inquiries on a case by case basis. The Village will use discretion on a case by case basis to evaluate encroachments, and if deemed prudent, to investigate the encroachment in accordance with this policy. The Village Council will, on the basis of its limited resources, use its discretion to decide when and if to seek the removal of an unauthorized encroachment.

  
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Mayor Ian Gould

  
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Kim Mushynsky - CAO